

# Agenda

## Item #3



STATE OF MAINE  
COMMISSION ON GOVERNMENTAL ETHICS  
AND ELECTION PRACTICES  
135 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0135

To: Commission Members

From: Jonathan Wayne, Executive Director

Date: April 22, 2008

Re: Cumberland County Republican Committee

---

The county and municipal committees of the political parties are required to file with the Commission two to four campaign finance reports per year if they raise or spend \$1,500 or more in a calendar year. The vast majority of these local party committees never reach the \$1,500 threshold, so they are not required to file campaign finance reports with our office.

The Cumberland County Republican Committee raised \$3,818 at a fundraiser in August 2007. Because the committee's receipts for 2007 exceeded the threshold of \$1,500, the committee was required to file a report on January 15, 2008 that disclosed the committee's contributions and expenditures for the calendar year of 2007. The committee had previously filed campaign finance reports during 2002 through 2006.

In 2007, the leadership of the committee changed. Brian Bicknell became the treasurer in March 2007. He was not made aware by others in the committee that it would need to file campaign finance reports if it raised more than \$1,500 during the year.

In late March 2008, Mr. Bicknell contacted Jeremy Brown, the Commission's PAC/Party/Lobbyist Registrar to find out about the reporting requirements for 2008. After hearing the requirements, he investigated whether the committee was in error by not filing any reports for the previous year, 2007. He discovered that the committee was required to file the January 2008 report covering the 2007 calendar year. He notified Jeremy that the committee had been delinquent in not filing the report and filed it on April 8, 2008.

After the report was filed, Jeremy notified the committee of the possibility of the assessment of a penalty of \$500. The amount of a late-filing penalty for a county party committee is capped at a maximum of \$500 per report. Mr. Bicknell submitted an April 17, 2008 letter requesting a waiver of the penalty on the basis of turnover in the leadership of the committee, displacement of the committee's records due to a fire, lack of notice, and other reasons. I have attached his letter for your consideration.

The Commission staff believes that Mr. Bicknell has shown a very high degree of good faith in self-reporting the problem to the Commission. Nevertheless, late-filing penalties are assessed against the committee, not the treasurer personally. We believe some penalty should be assessed because it is the committee's responsibility to learn that campaign finance reports must be filed if the committee raises or spends more than \$1,500 in a calendar year. Mr. Bicknell became the treasurer in March 2007. At that time, other officers of the committee should have explained the \$1,500 threshold to him or he should have contacted our office to learn about the reporting requirements. (As noted above, the committee had filed campaign finance reports between 2002 and 2006.) In addition to being available by telephone, the Commission staff has posted on the agency's website a filing schedule and a party committee guidebook outlining the reporting requirements if a party committee raises or spends more than \$1,500 in a calendar year.

The staff recommends assessing the \$500 penalty in order to be consistent with the stricter approach taken by the Commission members toward party committees in the last few years. For example, the Portland City Democratic Committee did not file two campaign finance reports for calendar year 2005 even though it reached the \$1,500 threshold. For the March 2006 meeting, the committee treasurer argued for a waiver of the two \$500 penalties, citing turnover in the position of treasurer, no written reminder from the Commission, and a good faith intention to comply with the requirements. For these reasons, the Commission staff recommended a 50% reduction in the penalty, but the Commission assessed the full \$500 penalties for both reports (for a total of \$1,000). The Cumberland County Democratic Committee was late in filing three reports in 2006 and 2007. That committee paid the maximum penalty of \$500 for each report and did not ask for a waiver.

The Commission staff is mindful that Mr. Bicknell brought this matter to our attention. We do not want to discourage him and other committee treasurers from coming forward if there is a problem with the past reporting. Mr. Bicknell will be attending the April 28 meeting. If you are convinced that there were mitigating circumstances in this case, you may wish to consider reducing the penalty.

April 17, 2008

Commission on Governmental Ethics and Election Practices  
135 State House Station  
Augusta, Maine 04333-0135

RECEIVED

APR 18 2008

MAINE ETHICS COMMISSION

Dear Sirs,

I am appealing the \$500.00 fine imposed on me for the late filing of the 2007 report for the Cumberland County Republican Committee (CCRC). Although I do not dispute the lateness of my report, it was not done to avoid the requirement, but out of ignorance of the requirement.

I assumed the role of Treasurer of the CCRC in March of 2007. Never having functioned in this role before, I thought my responsibilities involved tracking the organization's income and expenses and paying the bills. There was very little money involved initially and no thought of a need to report, other than to the committee.

When we held a golf tournament in August, as a fund raiser, I realized we were handling enough money so that there might be a need to report beyond the CCRC. I kept a separate report of this event to identify net proceeds. The net proceeds from this event were \$3,818.00.

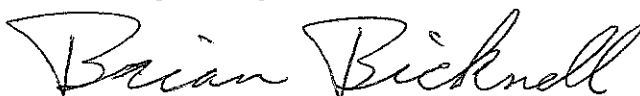
About the time I was going to check the files I inherited to see if I could figure out what reports might be required, we had a fire in our home. The fire resulted in our being out of our home for almost three months with all the related upheaval. Everything was removed from our cellar, where the records were stored, and only recently returned.

As soon as I discovered that I might need to file a report with the state, I made every effort to find out what needed to be done. I could not make the commission web site work from my computer. I then contacted Jeremy Brown, who e-mailed the documents to me and I subsequently submitted them.

The leadership of the CCRC completely changed in 2007. There was no attempt to not meet the state's requirements, only a lack of knowledge of what they were. Is anything sent out to town and county committees annually to alert them to the requirements? If so, I never received anything.

Given the lack of resources, lack of notification, our untimely fire, and my inability to access the commission web site, I am requesting that the commission waive the fine for my late filing. Had there been any intent to flaunt the law or try to avoid it, I would not have sought out help in filing. Had it not been for our fire and the resulting problems it caused, I would have sought that help sooner and not been in violation.

Thanks you for your consideration.

A handwritten signature in cursive script that reads "Brian Bicknell". The signature is written in dark ink and is positioned above the printed name.

Brian Bicknell



STATE OF MAINE  
COMMISSION ON GOVERNMENTAL ETHICS  
AND ELECTION PRACTICES  
135 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0135

April 9, 2008

Mr. Brian P. Bicknell, Treasurer  
Cumberland County Republican Committee  
21 Wildwood Circle  
Portland, ME 04103

Re: Campaign Finance Report Late Filing

Dear Mr. Bicknell:

The January Semiannual report for the above mentioned party committee was received by our office on April 9, 2008. This report was due on the next filing period after the committee accepted contributions, incurred obligations or made expenditures in the aggregate in excess of \$1,500 in a single calendar year. Based on the information provided in your report, it should have been filed no later than January 15, 2008.

Penalties for late reports are based on the amount of financial activity during the filing period, the number of calendar days a report is filed late, and the committees filing history. Based on this formula however, the penalty for this filing would exceed the maximum permitted by statute for a municipal, county or district committee. The Commission has therefore assessed a preliminary penalty of \$500. Please refer to the enclosed penalty matrix for more information.

If you believe you have a valid reason for filing late, you may request that the Commission review your case make a final penalty determination. Any request for a Commission determination must be made within 10 calendar days of receiving this notice, beginning the day you sign for receipt. If this notice has been refused or left unclaimed at the post office, the 10-day period will begin on the day the post office indicates that it gave first notice of a certified letter. Upon receipt of your request for a Commission determination, we will schedule you to appear before the Commission at the next regularly scheduled meeting. You may appear before the Commission personally, designate a representative to appear on your behalf, or submit a notarized written statement in which you provide an explanation of the mitigating circumstances you wish the Commission to take into consideration. The Commission will notify you of the disposition of your case within 10 days after its determination.

Please direct any questions you may have about this matter to me at 287-6221.

Sincerely,

Jeremy J. Brown  
PAC, Party & Lobbyist Registrar

Enclosures (2)

cc: Brian Bicknell (home)

April 9, 2008

Brian Bicknell, Treasurer  
Cumberland County Republican Committee  
21 Wildwood Circle  
Portland, ME 04104

The Commission on Governmental Ethics and Election Practices has made a preliminary determination that a penalty of \$500 applies for the late filing of your January Semiannual report, covering your 2007 activity. If you accept this determination, please make your check or money order payable to "**Treasurer, State of Maine,**" and send it, along with the bottom half of this letter, to the **Commission on Governmental Ethics and Election Practices, 135 State House Station, Augusta, Maine 04333** within 30 days of the date noted above. Please see the instructions included in the attached letter if you would like to request a formal Commission determination of any penalty to be assessed in this case.

**FAILURE TO PAY THE FULL AMOUNT OF THIS PENALTY IS A CIVIL VIOLATION.**  
Pursuant to 21-A M.R.S.A. § 1020-A(10), the Commission is required to report to the Attorney General the name of any political committee that fails to pay the full amount of any penalty.

Please direct any questions you may have about this matter to the Commission at 287-6221.

Cut Along Dotted Line

---

To: Commission on Governmental Ethics and Election Practices  
135 State House Station  
Augusta, Maine 04333

From: Brian Bicknell, Treasurer  
Cumberland County Republican Committee

For Office Use Only Account: CGEEP Fund: 014 Appr: 02
--

Re: Penalty for late filing of January Semiannual campaign finance report (\$500.00)

Amount Enclosed: \$ \_\_\_\_\_

Check/M.O. No.: # \_\_\_\_\_

Please Make Check/M.O. Payable to: Treasurer, State of Maine

# COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES

## CONTRIBUTION/EXPENDITURE PENALTY MATRIX LATE PARTY COMMITTEE REPORTS

### 21-A M.R.S.A. Section 1020-A

A campaign finance report is timely filed when a properly signed copy of the report, substantially conforming to the disclosure requirements, is received by the Commission before 11:59 p.m. on the date it is due. A penalty begins to accrue after 11:59 p.m. on the day the report is due. Penalties are based on a percentage of the total contributions or expenditures for the filing period, whichever is greater, multiplied by the number of calendar days the report is filed late, as follows:

For the first violation, 1%

For the second violation, 3%

For the third and each subsequent violation, 5%

Example: The party committee treasurer files the report two calendar days late. The committee has not had any previous late filings in the past 2 years. The committee reports a total of \$2,500 in contributions and \$1,500 in expenditures for the filing period. The penalty is calculated as follows:

\$2,500 Greater of the amount of total contributions received or expenditures made during the filing period.

X .01 Percent prescribed for first violation

\$25.00 One percent of total contributions

x 2 Number of calendar days late

\$50.00 Total penalty Commission may assess

#### PARTY COMMITTEE

Your penalty is calculated as follows:

Contributions/Expenditures \$ 9614.00

Percent prescribed: X .01

\$96.14

Number of days late: X 85

Total penalty accrued: \$ 8171.90

Maximum penalty \$500

A penalty begins to accrue at 11:59 p.m. on the day the report is due.

Any penalty of less than \$10 is waived.

Violations accumulate on reports with filing deadlines in a 2-year period that begins on January 1st of each even-numbered year. Waiver of a penalty does not nullify the finding of a violation.

A required report that is sent by certified or registered United States mail and postmarked at least 2 days before the deadline is not subject to penalty.

#### Maximum penalties:

State Party Committee:	\$5,000
Municipal, District, & County Committees	\$500

STATE OF MAINE  
COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES

Mail: 135 State House Station, Augusta, ME 04333

Office: 242 State Street, Augusta, Maine

Tel: (207) 287-4179 Fax: (207) 287-6775

Website: www.maine.gov/ethics

Electronic Filing: http://www.maine.campaignfinance.com

RECEIVED

APR 9 2008

MUNICIPAL, DISTRICT & COUNTY PARTY COMMITTEE REPORT, 2007

MAINE ETHICS COMMISSION

COMMITTEE IDENTIFICATION (Include full name of committee.)

Name Cumberland County Republican Committee (CCRC) Check if address is different than previously reported  
Mailing address 21 Wildwood Circle  
City, zip code Portland, ME 04103 Telephone 874-6680 ☒

TREASURER IDENTIFICATION

Name of treasurer Brian P. Bicknell Check if address is different than previously reported  
Mailing address 268 Sisquisie Trail  
City, zip code Yarmouth, Me. 04096 Telephone 846-4977 ☒  
E-mail address BrianBicknell04@yahoo.com

MUNICIPAL/COUNTY/DISTRICT COMMITTEE FILING PERIODS (Check applicable period below):

Due Date

Reporting Period

☒ July 16, 2007

January 1, 2007 – June 30, 2007

☒ January 15, 2008

July 1, 2007 – December 31, 2007

Any local party committees participating in the November 6, 2007 election who raise or spend money to support or defeat items on that ballot must file the following reports:

\_\_\_\_ October 31, 2007

July 1, 2007 – October 25, 2007

\_\_\_\_ January 15, 2008

October 26, 2007 – December 31, 2007

I CERTIFY THAT I HAVE EXAMINED THIS REPORT AND TO THE BEST OF MY KNOWLEDGE IT IS TRUE, CORRECT AND COMPLETE.

B.P. Bicknell  
Treasurer's Signature

4/8/08  
Date

REPORTING EXEMPTION: Any party committee receiving and expending less than \$1,500 in one calendar year is exempt from the reporting requirements for that year.

CCRC

Name of Party

Page \_\_\_\_ of

(Schedule A only)

**SCHEDULE A**

**CASH CONTRIBUTIONS RECEIVED**

List the names and mailing addresses of contributors who have given more than \$200 during this reporting period. For all aggregate contributions of \$200 or less, enter the combined total in line 3. Do not include loans or in-kind contributions here.

Date received	Contributor's name, mailing address, zip code	Occupation & Employer	Amount

1. Total contributions this page only

2. Total from attached pages (Schedule A)

3. Aggregate contributions of \$200 or less not itemized

0

0

#8,814.00

\$884.00

[illegible]

1. Total contributions to candidates this page only
2. Total from attached Schedule B pages
3. Total contributions this reporting period (Lines 1 + 2)



CCRE

Name of Party

Page \_\_\_\_ of \_\_\_\_  
(Schedule B-1 only)

## SCHEDULE B-1

### OPERATING EXPENSES

Do not include loan repayments on this schedule.

Expenditure Types Requiring NO Remark		Expenditure Types REQUIRING Remark	
CON	contribution	CNS	campaign consultants
EQP	equipment	OTH	other
FND	fundraising events	PRO	professional services
FOD	food for campaign events, volunteers		
LIT	campaign literature (printing and graphics)		
MHS	mail house (all services purchased)		
OFF	office rent and utilities		
POL	polling and survey research		
PHO	phone banks, automated telephone calls		
POS	Postage for U.S. Mail		
PRT	print media ads		
RAD	radio ads, production costs		
SAL	campaign workers' salaries		
TRV	travel (fuel, mileage, lodging, etc.)		
TVN	TV or cable ads, production costs		
WEB	Internet and e-mail		

For every expenditure, list the appropriate code.

If a remark is required, list additional information such as type of consulting (media, messaging, campaign, etc.) or professional service provided.

Date of payment	Payee/organization name, address, zip code	Code	Remarks, Purpose of Expenditure	Amount
3/20/07	Print Mail Copy Center Portland, ME 04102	MHS	News letter Mailing	\$ 37.17
5/18/07	Annalee Rosenblatt	MHS	News letter May	21.60
7/12/07	Cumberland Farmers Club 72 Turkey Lane Auburn, Me 04210	OTH	Deposit for Cumberland Fair, Bath	100.00
8/6/07	City of Portland Portland, ME	FND	Charge for use of Riverside Golf Course	3,440.00
8/6/07	Bogeys Rest Portland, ME	FND	Cost of food for golf tournament	1,320.00
8/12/07	William Holmes Westbrook, ME	FND	Miscellaneous expenses for golf tournament	114.00
9/4/07	Debi A. Davis 88 West St. Biddeford, Me 04005	WEB	Set up web site	130.00
9/18/07	Tony Oberley	OTH	Balance of cost of a bath at fair	200.00
10/1/07	Print Mail Copy Center Portland, ME 04102	MHS	News letter	15.96
10/7/07	The Black Tie Co. Union Wharf Portland, ME 04101	OTH	Deposit for Caucus event	500.00

1. Total operating expenses this page

2. Total from attached Schedule B-1 pages

3. Total operating expenses this reporting period  
(Add lines 1 & 2)

5878.73  
5878.73

CCRC  
Name of Party

## SCHEDULE C

### IN-KIND CONTRIBUTIONS/EXPENDITURES

#### In-Kind CONTRIBUTIONS

With respect to all items and services received and expended, enter the date received, a description of the item or service, and the fair market value. Enter contributor information if the fair market value of donated item or service is more than \$200.

Date Received	Contributors name, address, zip code	Description of goods, services, discounts or facilities received/expended	Fair market value

#### In-Kind EXPENDITURES

If the items shown above were, in turn, contributed to candidates or committees, list to whom the items were donated and their description.

Date of payment	Recipient's name, address, zip code	Description of goods, services, discounts or facilities contributed	Fair market value

## SCHEDULE D

### LOANS/LOAN REPAYMENTS

List loans and loan repayments from all sources.

	COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
Date of loan/ loan repayment	Identity of lender	Loan balance from previous period	Amount loaned this period	Amount repaid/ forgiven this period
8/4/07	B.P. Bicknell	—	\$800.00	\$800.00 R/F
				R/F
				R/F

## SCHEDULE E

### TOTAL UNPAID OBLIGATIONS (OTHER THAN LOANS)

Date obligation Incurred	Creditor's name, address, zip code	Purpose	Amount

CCRC  
Name of Party

4/8/08  
Date Submitted

## SCHEDULE F SUMMARY SECTION

### RECEIPTS

1. Contributions Received (Schedule A, Line 4)
2. Other Receipts (interest income, etc.)
3. Loans Received (Schedule D)
4. TOTAL RECEIPTS THIS PERIOD (Lines 1 + 2 + 3)

### THIS PERIOD ONLY

	\$8,814.00
	800.00
	9,614.00

### EXPENDITURES

5. Contributions to or on behalf of others (Schedule B, Line 3)
6. Operating Expenses (Schedule B-1, Line 3)
7. Loan Repayments Made (Schedule D)
8. TOTAL EXPENDITURES THIS PERIOD (Lines 5 + 6 + 7)

### THIS PERIOD ONLY

	0
	5,878.73
	800.00
	6,678.73

### IN-KIND SUMMARY

Total In-Kind Contributions this period (Schedule C)  
Total In-Kind Expenditures this period (Schedule C)

### Fair Market Value Totals

	0
	0